

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Bilal A. Al-Haqq, # 126806,

Plaintiff,

V.

Major Walter Worrick;
Ernest Rome, DHO;
Ms. V. Jones, Inmate Representative;
Ms. Marilyn Smart, Grievance Coordinator;
Ms. C. Smith, Caseworker;
Ms. Edith Wetherbee, DHO Recorder; and
Cpl. Marvin Bryant,
in their individual and official capacities,¹

Defendants.

C.A. No. 2:14-08-TMC-WWD

ORDER

Plaintiff, a state prisoner proceeding pro se, filed this action pursuant to 42 U.S.C. § 1983. In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02, D.S.C., this matter was referred to a magistrate judge for pretrial handling. Before the court is the magistrate judge's Report and Recommendation ("Report"), recommending that the motion for summary judgment filed by Defendant Cpl. Marvin Bryant (ECF No. 41) be denied, and the action should continue as to Defendant Bryant in his individual capacity. (ECF No. 48). The parties were advised of their right to file objections to the Report. (ECF No. 48 at 10). However, neither Plaintiff nor Defendant Bryant filed any objections to the Report, and the time to do so has now run.

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). In the absence of objections, this court is not required to provide an explanation for adopting the Report. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only

¹ By order of The Honorable Joseph F. Anderson filed on September 30, 2014, all Defendants were dismissed from this action with the exception of Cpl. Marvin Bryant. (ECF No. 44).

satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the Report and the record in this case, the court adopts the Magistrate Judge's Report (ECF No. 48) and incorporates it herein. It is therefore **ORDERED** that the motion for summary judgment filed by Defendant Bryant (ECF No. 41) is **DENIED**, and the action shall continue as to Defendant Bryant in his individual capacity.

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

Anderson, South Carolina
January 30, 2015

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.